	Response To Notice To rile Missing Parts Of Application Filing Date Granted (PTO-1533)(Large Entity)	Docket No. 1037US			
In R	e Application Of: McNALLY, Alan J., et al.				
	Serial No. Filing Date Examiner 09/733,565 December 8, 2000 To Be Assigned	Group Art Unit 1645			
Inve	ntion: IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED P	RIMER			
	TO THE ASSISTANT COMMISSIONER FOR PATENTS	<u>S:</u>			
	Box Missing Parts				
	s a response to the Notice to File Missing Parts of Application - Filing Date Grante <u>oruary 8, 2001.</u> Date	ed (PTO-1533) mailed on			
Enclo	sed herewith for filing are the following:	·			
$\boxtimes$	A copy of the Notice to File Missing Parts of Application - Filing Date Granted (P	TO-1533). <b>(REQUIRED)</b>			
$\boxtimes$	An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.				
	A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying Application Number and Filing Date.	ng the application by the above			
	An oath or declaration in compliance with 37 CFR 1.63 listing the names of a omitted inventor(s), identifying this application by the above Application Number				
	A verified English translation of the non-English language application papers as that this translation be used as the copy for examination purposes in the United Office.	•			
$\boxtimes$	Other (list):				
	Return postcard.				
	, , , , , , , , , , , , , , , , , , ,	·			

Response To Notice To rile Miss Filing Date Granted (PTO-	-		on	Docket No 1037US	
In Re Application Of: McNALLY, Alan J., et	al.				
Serial No. Filing Date 09/733,565 December 8, 20		7	Assigned	Group Ar	
Invention: IMMUNOASSAY BASED ON DA	NA REPLIC	CATION USING	LABELED PRIM	ER	
	,				
TO THE ASSIS	TANT CO	MMISSIONER F	OR PATENTS:		
	Box Mi	issing Parts		·	
☑ Completion of application fees as calcu	lated below	v:	,		
☐ Utility application filing fee					
☐ Design application filing fee				· 	
☐ Total number of independent claim	ıs =		· ·		
☐ Total number of claims =	<del> </del>				
☐ Multiple dependent claims					
Surcharge for late payment of filing	g fee and/o	r late filing of or	ginal declaration o	r oath	\$130.00
☐ Petition and fee for filing by other t	han all the	inventors or a p	erson not the inver	ntion	
☐ Fee for processing an application	filed with a	non-English lan	guage specification	ı	
☐ Fee for processing and retention o	f applicatio	n	· •		
		Total co	mpletion of applica	ation fees	\$130.00
This is a request under the provisions of above-identified Notice to File Missing Parts of desired). If an additional time extension is recommendated.	of Application	on. The reque	sted extension is a	s follows (check ti	
☐ One month ☐ Two months	ОТ	hree months	☐ Four months	☐ Five mo	nths
from:		until:			
Date			Date  Total time exter	nsion fees	\$0.00
				l fees due	\$130.00

# Response To Notice To a ile Missing Parts Of Application Filing Date Granted (PTO-1533) (Large Entity) In Re Application Of: McNALLY, Alan J., et al. Serial No. Filing Date Filing Date

**Box Missing Parts** 

The fee of

\$130

is to be paid as follows:

☐ A check in the amount of the fee is enclosed.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-2958.

A duplicate copy of this sheet is enclosed.

☑ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 02-2958.

A duplicate copy of this sheet is enclosed.

Signature

Dated:

April 6, 2001

Marilyn L. Amick, Reg. No. 30,444 Roche Diagnostics Corporation 9115 Hague Road, Bldg. D

P.O. Box 50457

Indianapolis, IN 46250-0457 Telephone No.: (317) 521-7561 Facsimile No.: (317) 521-2883 1 certify that this document and fee is being deposited on April 6, 2001 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Signature of Person Mailing Correspondence

Rose Edwards

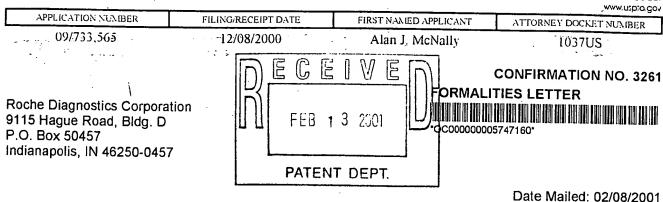
Typed or Printed Name of Person Mailing Correspondence

CC:



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231



# NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

A copy of this notice MUST be returned with the reply.

ang .

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Docket	No.
10370	.!S

# **Declaration and Power of Attorney For Patent Application English Language Declaration**

As a below named inventor, Thereby declare that:  My residence, post office address and citizenship are as stated below next to my name,  I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED PRIMER  the specification of which  (check one)  is attached hereto.  was filed on December 8, 2000  as United States Application No. or PCT International Application Number 09/733,565  and was amended on  (if applicable)  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.  I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.  I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identificat below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application(s)  Priority Not Claimed  (Number)  (Country)		Enghon Ean		- · · · · · · · ·
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED PRIMER  the specification of which  (check one)  is attached hereto.  was filed on December 8, 2000 as United States Application No. or PCT International Application Number 199/733,565 and was amended on (if applicable)  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.  I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.  I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identifie; below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application which priority is claimed.  Prior Foreign Application(s)  Priority Not Claimed  (Number) (Country) (Day/Month/Year Filed)	As a below named invent	or, Thereby declare th	at:	
first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled IMMUNOASSAY BASED ON DNA REPLICATION USING LABELED PRIMER  the specification of which  (check one)  is attached hereto.  was filed on December 8, 2000 as United States Application No. or PCT International Application Number 09/733,565 and was amended on  (if applicable)  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.  I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.  I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application(s)  Priority Not Claimed  (Number)  (Country)  (Day/Month/Year Filed)	My residence, post office	address and citizensh	ip are as stated below next to m	ıy name,
(check one)  □ is attached hereto.  ☑ was filed on December 8, 2000 as United States Application No. or PCT International Application Number 09/733,565 and was amended on (if applicable)  I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.  I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.  I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.  Prior Foreign Application(s)  Priority Not Claimed	first and joint inventor (if which a patent is sought or	plural names are listed on the invention entitle	d below) of the subject matter w	, , ,
(check one)  □ is attached hereto.  □ was filed on December 8, 2000 as United States Application No. or PCT International Application Number 09/733,565 and was amended on (if applicable)  □ hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.  □ acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.  □ hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identifie below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.  □ Priority Not Claimed    Country   Priority Not Claimed   Priority Not Cl	the energification of which			
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(Number) (Country) (Day/Month/Year Filed)	Prior Foreign Application(	s)		Priority Not Claimed
	(Number)	(Country)	(Day/Month/Year Filed)	
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(Application Serial No.)	(Filing Date)	
		<del>.</del>
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
ection 365(c) of any PCT Interna- sofar as the subject matter of ea nited States or PCT International S.C. Section 112, I acknowledge fice all information known to me ection 1.56 which became available	tional application designating ach of the claims of this ap application in the manner per the duty to disclose to the to be material to patentable between the filing date of	any United States application(so the United States, listed below plication is not disclosed in the provided by the first paragraph of United States Patent and Trader bility as defined in Title 37, C. For the prior application and the nation
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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Marilyn L. Amick, Reg. No. 30,444 D. Michael Young, Reg. No. 33,819 Brent A. Harris, Reg. No. 39,215 Richard T. Knauer Reg. No. 35,575 Kenneth J. Waite, Reg. No. 45,189 Jill Lynn Woodburn, Reg. No. 39,874

Send Correspondence to: Marilyn L. Amick

**Roche Diagnostics Corporation** 

9115 Hague Road, Bldg. D, P.O. Box 50457

Indianapolis, IN 46250-0457

Direct Telephone Calls to: (name and telephone number)

Marilyn L. Amick, Telephone No. (317) 521-7561

Full name of sole or first inventor McNALLY, Alan J.		## 276.WE	
Sole or first inventor's signature	Mishely	/	3/22/0/
Residence 2767 Maralice Drive, Carmel, In	diana 46033		/ / /
Citizenship United States of America			
Post Office Address (same as residence)			
*:4			

Second inventor's signature	Date
Residence 25 Ralph Road, West Orange, New Jersey 07052	
Citizenship United States of America	
Post Office Address (same as residence)	

LI, Zhuyin Third inventor's signature	Date
Residence	
2 Hastings Lane, Flemington, New Jersey 08822	27.0483
United States of America	·· 2
Post Office Address	
(same as residence)	·
full name of fourth inventor, if any	
Fourth inventor's signature	Dota
outh inventor's signature	Date
Residence	
Citizenship	
Post Office Address	
-	
	, 4
Full name of fifth inventor, if any	
Fifth inventor's signature	Date
	, Date
Residence	
·	
Citizenship	
Citizenship	
Post Office Address	
Post Office Address	
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Post Office Address  Full name of sixth inventor, if any	Date
Post Office Address  Full name of sixth inventor, if any  Sixth inventor's signature	Date
· ·	Date
Post Office Address  Full name of sixth inventor, if any  Sixth inventor's signature	Date
Full name of sixth inventor, if any Sixth inventor's signature Residence	Date

Docket No	
1037US	

# Declaration and Power of Attorney For Patent Application English Language Declaration

			:
-As-a-below-named invento	r,"I⁼hereby declare that:		Table .
My residence, post office a	address and citizenship are	as stated below next to m	ny name,
first and joint inventor (if p which a patent is sought or	first and sole inventor (if on lural names are listed belov n the invention entitled N DNA REPLICATION USING	w) of the subject matter w	
•		· _	
the specification of which			
(check one)		**	
☐ is attached hereto.			
■ Was filed on December	8, 2000 as Uni	ted States Application No	or PCT International
Application Number 09	9/733,565		
and was amended on	· ·		
	(	(if applicable)	
	reviewed and understand the nended by any amendment		identified specification,
· ·	disclose to the United Stat		
Section 365(b) of any fore any PCT International app listed below and have also	iority benefits under Title (eign application(s) for pater lication which designated at identified below, by checking Tinternational application in	nt or inventor's certificate t least one country other t ing the box, any foreign a	, or Section 365(a) of han the United States, pplication for patent or
Prior Foreign Application(s	)		Priority Not Claimed
(Number)	(Country)	(Day/Month/Year Filed)	
,	(- o.j)		
(Number)	(Country)	(Day/Month/Year Filed)	
(Number)	(Country)	(Day/Month/Year Filed)	Ш

I hereby claim the benefit under application(s) listed below:	35 U.S.C. Section 119(e	e) of any United States provisional
(Application Serial No.)	(Filing Date)	
· · · · · · · · · · · · · · · · · · ·		to the second se
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	-
Section 365(c) of any PCT Internations insofar as the subject matter of ear United States or PCT International U.S.C. Section 112, I acknowledge Office all information known to me	onal application designating ch of the claims of this ap application in the manner   the duty to disclose to the to be material to patental e between the filing date of	any United States application(s), or g the United States, listed below and, plication is not disclosed in the prior provided by the first paragraph of 35 United States Patent and Trademark pility as defined in Title 37, C. F. R., the prior application and the national
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Marilyn L. Amick, Reg. No. 30,444 D. Michael Young, Reg. No. 33,819 Brent A. Harris, Reg. No. 39,215 Richard T. Knauer, Reg. No. 35,575 Kenneth J. Waite, Reg. No. 45,189 Jill Lynn Woodburn, Reg. No. 39,874

Send Correspondence to: Marilyn L. Amick

**Roche Diagnostics Corporation** 

9115 Hague Road, Bldg. D, P.O. Box 50457

Indianapolis, IN 46250-0457

Direct Telephone Calls to: (name and telephone number)

Marilyn L. Amick, Telephone No. (317) 521-7561

Full name of sole or first inventor McNALLY, Alan J. Sole or first inventor's signature Residence 2767 Maralice Drive, Carmel, Indiana 46033 Citizenship United States of America Post Office Address (same as residence)

Full name of second inventor, if any WU, Robert S.	
Second inventor's signature	March 2, 2001
Residence 25 Ralph Road, West Orange, New Jersey 07052	
Citizenship United States of America	
Post Office Address (same as residence)	

LI, Zhuyin Third inventor's signature		Date
Residence 12 Hastings Lane, Flemington, New Jersey 08822		
Citizenship	-	
United States of America		5.75
Post Office Address		
(same as residence)		
	· · · · · · · · · · · · · · · · · · ·	
Full name of fourth inventor, if any		
Fourth inventor's signature		Date
·		
Residence		
Citizenship		
Post Office Address		
		· · · · · · · · · · · · · · · · ·
Full name of fifth inventor, if any		
		Date
Fifth inventor's signature		Date
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Fifth inventor's signature  Residence		Date
Fifth inventor's signature  Residence  Citizenship		Date
Fifth inventor's signature  Residence		Date
Fifth inventor's signature  Residence  Citizenship		Date
Fifth inventor's signature  Residence  Citizenship		Date
Fifth inventor's signature  Residence  Citizenship  Post Office Address		Date
Fifth inventor's signature  Residence  Citizenship  Post Office Address		Date
Fifth inventor's signature  Residence  Citizenship  Post Office Address		Date
Fifth inventor's signature  Residence  Citizenship  Post Office Address		Date
Fifth inventor's signature  Residence  Citizenship  Post Office Address  Full name of sixth inventor, if any  Sixth inventor's signature		
Fifth inventor's signature  Residence  Citizenship  Post Office Address  Full name of sixth inventor, if any		
Fifth inventor's signature  Residence  Citizenship  Post Office Address  Full name of sixth inventor, if any  Sixth inventor's signature  Residence		
Fifth inventor's signature  Residence  Citizenship  Post Office Address  Full name of sixth inventor, if any  Sixth inventor's signature  Residence  Citizenship		
Fifth inventor's signature  Residence  Citizenship  Post Office Address  Full name of sixth inventor, if any  Sixth inventor's signature  Residence		

Docket	No.
10371	JS

# Declaration and Power of Attorney For Patent Application English Language Declaration

		,	
As-a-below named invento	r, I hereby declare that:	gauge and a final section of the sec	
My residence, post office a	address and citizenship are a	s stated below next to n	ny name,
first and joint inventor (if plushich a patent is sought or	first and sole inventor (if only lural names are listed below) n the invention entitled I DNA REPLICATION USING I	of the subject matter w	, ,
the specification of which			
(check one)			
☐ is attached hereto.	·		
■ Was filed on December	8, 2000 as Unite	ed States Application No	. or PCT International
Application Number 09	9/733,565		
and was amended on	(:		
	•	applicable)	
•	reviewed and understand the nended by any amendment re		identified specification,
_	disclose to the United State rial to patentability as defin		•
Section 365(b) of any fore any PCT International appli listed below and have also	ority benefits under Title 35 eign application(s) for patent lication which designated at lidentified below, by checkin T International application had	t or inventor's certificate least one country other to g the box, any foreign a	e, or Section 365(a) of than the United States, pplication for patent or
Prior Foreign Application(s	)		Priority Not Claimed
(Number)	(Country)	(Day/Month/Year Filed)	J
(Number)	(Country)	(Doy/Month Mans Eller)	
(Number)	(Country)	(Day/Month/Year Filed)	
(Number)	(Country)	(Day/Month/Year Filed)	

I hereby claim the benefit under application(s) listed below:	35 U.S.C. Section 119(e	e) of any United States provisional
(Application Serial No.)	(Filing Date)	
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(Application Serial No.) i	(Filing Date)	•
		·.
(Application Serial No.)	(Filing Date)	-
insofar as the subject matter of each United States or PCT International a U.S.C. Section 112, I acknowledge Office all information known to me	ch of the claims of this ap application in the manner p the duty to disclose to the to be material to patental be between the filing date of	g the United States, listed below and, plication is not disclosed in the prior provided by the first paragraph of 35 United States Patent and Trademark pility as defined in Title 37, C. F. R., the prior application and the national
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
(Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

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Full name of fourth inventor, if any		
Fourth inventor's signature		Date
Residence		
Citizenship		
Post Office Address		
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ull name of fifth inventor, if any		
full name of fifth inventor, if any		Date
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Residence Citizenship Post Office Address full name of sixth inventor, if any sixth inventor's signature		
Residence Citizenship Post Office Address full name of sixth inventor, if any Sixth inventor's signature Residence		

### **BOX MISSING PARTS**

Inventors: McNALLY, Alan J., et al. Serial No.: 09/733,565

Filed: December 8, 2000

Entitled: Immunoassay Based On DNA Replication Using Labeled Primer

Our Ref.: 1037US

Enclosures: Response to Notice to File Missing Parts of Application (3pp) in duplicate, copy of Notice to File Missing Parts of Nonprovisional Application (1pp), three (3) executed Declarations and Powers of Attorney for Patent Application (4pp each), and return postcard E

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